ANNUAL REPORT 2006-2007

Landlord and Tenant Board

(Formerly, the Ontario Rental Housing Tribunal)

Ontario

Minister of Municipal Affairs and Housing

777 Bay Street, 17th Floor
Toronto ON M5G 2E5
Tel. (416) 585-7000
Fax (416) 585-6470
www.mah.gov.on.ca

Ministre des Affaires municipales et du Logement

777, rue Bay, 17e étage
Toronto ON M5G 2E5
Tél. (416) 585-7000
Télec. (416) 585-6470
www.mah.gov.on.ca

TO THE LIEUTENANT GOVERNOR
OF THE PROVINCE OF ONTARIO

MAY IT PLEASE YOUR HONOUR:

For the information of Your Honour and the Legislative Assembly, we have the privilege of presenting the Annual Report of the Landlord and Tenant Board for the 2006-2007 fiscal year.

Respectfully submitted,

Hon. Jim Watson
Minister of Municipal Affairs and Housing

Landlord and Tenant Board

Office of the Chair

777 Bay Street, 12th Floor
Toronto, Ontario M5G 2E5
Tel: (416) 585-7295
Fax: (416) 585-6363

Commission de la location immobilière

Bureau du Président

777, rue Bay, 12e étage
Toronto (Ontario) M5G 2E5
Tel: 416-585-7295
Telec: 416-585-6363

Ontario

June 29, 2007

TO THE HONOURABLE JOHN GERRETSEN
MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

MINISTER:

I have the honour to submit the Landlord and Tenant Board Annual Report for the 2006-2007 fiscal year.

Respectfully submitted,

Dr. Lilian Ma
Chair
Landlord and Tenant Board

Chair's Message

This is the ninth Annual Report of the Ontario Rental Housing Tribunal (the Tribunal) and the first Annual Report of the Landlord and Tenant Board (the Board). On January 31, 2007, the *Residential Tenancies Act, 2006* (the RTA) was proclaimed. The RTA provides that the Tribunal, created under the *Tenant Protection Act, 1997* (the TPA), is continued under the name Landlord and Tenant Board.

The new Act, the RTA, includes some significant changes from the TPA. The default process is no longer law in Ontario which means that all applications are now scheduled for hearings. Furthermore, if a landlord files an application to terminate the tenancy and evict the tenant for non-payment of rent and/or an application to collect rent the tenant owes, the tenant can now, during the hearing of that application, raise any issues, such as maintenance, that they could have raised, previously, only by filing their own application. This new right is found in sections 82 and 87 of the RTA.

Another significant change is in the area of above guideline rent increases. To obtain a rent increase above the guideline, the landlord must now prove that the capital expenditure is necessary. Once a capital expenditure is completely paid for, the amount of the rent increase attributable to the capital expenditure should be removed from the tenant's rent.

The RTA also encourages landlords and tenants to attempt to resolve their difficulties. Section 206 allows tenants and landlords to agree to a payment plan and submit their plan to the Board to be included in a Board order without having to hold a hearing.

The mission of the Board is to inform landlords and tenants about their rights and responsibilities under the RTA and provide balanced and timely dispute resolution services in accordance with the law. Board Members and staff are dedicated to providing services to all of our clients, in keeping with the principles of timeliness, accessibility,

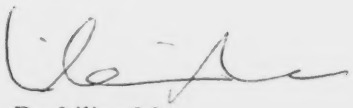
fairness and customer focus. Training and professional development provide the foundation for the Board to deliver the goals set out in the Board's mission statement.

Much of last year was spent preparing for the implementation of the new Act. Our activities included extensive stakeholder consultation on the revised forms, Rules of Practice and Interpretation Guidelines. We developed new procedures and enhanced staff and Member training. At the same time, we continued administering the TPA.

While this report details our activities from April 1, 2006 to March 31, 2007, the data on RTA cases are insufficient to provide any meaningful conclusions at the time of writing, as applications filed under the RTA were not heard until sometime in March 2007. Thus, the statistical analysis and graphs included in this report are based on data collected about applications filed under the TPA.

We look forward to continuing our new duties under the RTA. This has been an exciting and challenging year of change and learning. We are committed to continuing to effectively implement the new legislation.

Sincerely,



Dr. Lilian Ma
Chair
Landlord and Tenant Board

A TRANSITIONAL YEAR

The 2006-2007 fiscal year has been a period of transition for our organization. From April 1, 2006 to January 30, 2007, we were operating as the Ontario Rental Housing Tribunal (the ORHT) and were governed by the *Tenant Protection Act, 1997* (the TPA).

On January 31, 2007, the government proclaimed the *Residential Tenancies Act, 2006* (the RTA) which replaced the TPA and formed the Landlord and Tenant Board (the LTB), replacing the ORHT.

The transition to the LTB has been a very smooth one, which is due in large part to the efforts of our staff and Members to accomplish a significant amount of work in a relatively short period of time. In less than eight months and in consultation with our stakeholders, we revised our Rules of Practice, Interpretation Guidelines and our existing forms, and developed new material as required by the RTA. We also revised most of our public literature and developed new ones (including one multi-language overview brochure), posted a new website for the Board, made the necessary systems changes and trained our staff and Members.

In planning for the implementation of the new Act, we sought and received approval from the Ministry of Municipal Affairs and Housing for 15 additional full-time Member equivalents to handle the increased number of hearings and the potential increase in hearing length, resulting from the legislative changes (see **Legislative Changes in the Enabling Act** below).

Over the past year, we have also developed a number of policy documents to guide adjudicators and staff in the transition of our practice from the TPA to the RTA. For example, we developed an Adjudicative Strategy to ensure the effective operation of the Board, based on the following four principles: timeliness, accessibility, fairness and customer focus. Another example is our Written Reasons Policy, which was developed to

assist Members in determining when written reasons for a decision/order must or should be given and how and in what form those written reasons should be given.

In preparing to implement the RTA, the senior management of the Tribunal also met to develop the following mission statement for the new Board:

> The mission of the Landlord and Tenant Board is to inform landlords and tenants about their rights and responsibilities under the *Residential Tenancies Act* and provide balanced and timely dispute resolution in accordance with the law.

The focus of this report will be on our business under the TPA as this was our enabling legislation for most of the fiscal year. We have been working under the RTA for only two months (February and March 2007); therefore, the scope of our experience with that legislation is limited in this report. However, the following paragraphs highlight the changes envisaged by the legislation.

LEGISLATIVE CHANGES IN THE ENABLING ACT

Some of the legislative changes from the TPA to the RTA which we expect to have the greatest impact include:

- Removal of the default process and sending all applications to hearing
- Allowing tenants to raise maintenance and other issues allowed under the RTA, during the hearing of the landlord's application for eviction due to non-payment of rent and/or for arrears of rent, without having to file their own application, as was required under the TPA
- Changes to the above guideline increase process including a "costs-no-longer-borne" clause and a "necessary" provision

- Shorter termination of tenancy times for serious health and safety issues, including illegal acts that are drug related

For a more detailed look at the changes to the legislation, consult our brochure, "A Guide to the Residential Tenancies Act" which is available on our new website at www.LTB.gov.on.ca.

THE ROLE OF THE ONTARIO RENTAL HOUSING TRIBUNAL AND THE ROLE OF THE LANDLORD AND TENANT BOARD

The role of the Tribunal has been to:

- Resolve tenant and landlord disputes through either adjudication or mediation
- Determine the legal above guideline rent increases with respect to residential units
- Provide landlords and tenants with information about their rights and obligations

The Tribunal/Board offers a process that is more efficient than previous systems for resolving landlord and tenant matters.

Section 1 of the RTA sets out the purposes of the Act, as follows:

- provide protection for residential tenants from unlawful rent increases and unlawful evictions;
- establish a framework for the regulation of residential rent;
- balance the rights and responsibilities of residential landlords and tenants; and,
- provide for the adjudication of disputes and for other processes to informally resolve disputes.

The newly created Landlord and Tenant Board (the LTB) derives its mandate from the RTA and has a similar role to that of the Ontario Rental Housing Tribunal (the ORHT) under the TPA.

The Adjudication Process

The Tribunal was designed to create a more informal environment for the resolution of disputes between landlords and tenants. The same holds true for the Board. Like the Tribunal, the Board is also designed to handle a large volume of cases given the high percentage of renters in Ontario (approximately 32% of the population). Thus, the application resolution process is designed to be timely, while ensuring the necessary attention to the quality of our services and decisions.

Under the adjudication process:

- Disputes are heard in public buildings rather than courtrooms;
- Tenants may choose to represent themselves and may consult an on-site legal aid representative provided by Legal Aid Ontario;
- The more conciliatory approach of voluntary mediation is encouraged before the hearing process begins or on the day of the hearing if the matter lends itself to mediation.

Members of the Tribunal/Board are adjudicators. They receive legal and other training from the Board. Adjudicators have the experience and knowledge to deal fairly and effectively with the issues that come before them. Members are appointed by Order-in-Council after recommendation by the Tribunal/Board, based on a rigorous and competitive interview and selection process. Most Members work full-time but there are also part-time Members. They are located in different geographical areas of the province.

Members from across the province meet formally two or three times a year for professional development. They also meet more frequently and informally in their regions. Many of them sit on committees and working groups such as the Rules and Guidelines Committee, the CaseLoad Order Group (to review the format of our orders), the Selected Decisions Committee, the Adjudicative Best Practices Committee and other groups that gather opinions on specific issues. Meetings of our Members also contain elements of training such as order and reason writing, the conduct of a hearing, natural justice and any emerging issues.

Rule and Guidelines making is an important task for the Tribunal/Board in order to achieve consistency and coherence in our decision-making. Last year, we started a series of roundtable discussions with our Vice Chairs and Members to discuss issues of importance to adjudication. This year, we have continued this process. When there is consensus or a preferred position is reached with respect to policy and interpretation of the legislation, matters are referred to the Rules and Guidelines Committee. Before new or proposed changes to Rules and Guidelines are finalized, they are vetted through stakeholders prior to being released to the public and posted on our website.

The Mediation Process

Mediation has been offered under the TPA and continues to be offered under the new RTA. It is often used to clarify issues and reduce areas of dispute so that the hearing may proceed more expeditiously. Mediated settlements are more flexible in their content than orders of the Tribunal/Board. This allows parties to participate fully in shaping and reaching a satisfactory resolution of their difficulties. Mediators use both their knowledge of the law and their negotiation skills to assist landlords and tenants in resolving their applications and their concerns.

During the fiscal year 2006/07, approximately 17% of the Tribunal's applications were successfully mediated. We are trying to focus mediation on more complex applications.

Many tenant applications benefit greatly from mediation and we concentrate much of our resources on these. We have had success in mediating Above Guideline Increase applications, which avoids lengthy hearings and provides a quicker resolution of the issues.

Last year, we initiated a program review of our Mediation service to help us raise the profile of mediation and enhance its place within our program, to identify the training needs of our mediators and to produce a set of best practices and professional standards for mediation. This project will continue into the coming year.

Tribunal/Board Locations

There are eight Regional Offices where landlords and tenants can file applications, have their questions answered by a customer service representative and attend hearings.

Most hearings are held in these Regional Offices located in the following areas:

- London
- Hamilton
- Mississauga
- Toronto South (Downtown area)
- Toronto North (North York area)
- Toronto East (Scarborough area)
- Ottawa
- Sudbury

In addition, there are many off-site hearing locations to which our Members and mediators travel to conduct hearings on a regular basis. These include: Barrie, Belleville, Bracebridge, Brantford, Brockville, Burlington, Chatham-Kent, Cobourg, Cornwall, Goderich, Guelph, Hawkesbury, Kingston, Kitchener, Lindsay, Newmarket, North Bay, Orangeville, Owen Sound, Pembroke, Perth, Peterborough, Port Elgin, Sarnia, Sault Ste.

Marie, Simcoe, St. Catharines, St. Thomas, Stratford, Timmins, Thunder Bay, Windsor, Woodstock, Whitby and Woodstock.

The Board/Tribunal has partnered with ServiceOntario to provide services in approximately 90 locations across Ontario where applications can be received. To find the addresses of these ServiceOntario Centres, please visit our website at www.LTB.gov.on.ca, or contact our call centre at 416-645-8080 or 1-888-332-3234.

We have strived to make our services more accessible to Ontarians across the province.

Customer Service

Both the TPA and the RTA include a mandate for the Tribunal/Board to provide information to landlords and tenants about their rights and obligations under the legislation. In fulfilling this mandate, the Tribunal/Board's virtual Call Centre handles customer inquiries through toll free lines. In the Greater Toronto Area, the phone number is 416-645-8080; outside Toronto the number is 1-888-332-3234. Customer service representatives are available during regular business hours. An automated telephone service answers frequently asked questions 24 hours a day, 7 days a week. This year, the Tribunal responded to approximately 500,000 telephone calls. Members of the public can sometimes resolve their disputes after being informed of the law. Also, if they have filed applications with us, they can inquire about the status of their case via telephone.

E-Government

The need to redesign the website to explain and offer information about the new law presented an opportunity for the Tribunal/Board to make significant changes to the website. The improved website has enhanced accessibility by making it easier and faster for clients to find information.

The Board's website, www.LTB.gov.on.ca, is visited almost one million times each month. Clients can find information about the progress of their application, the date of their hearing and whether an order has been issued. As well, all Board forms and brochures, the Rules of Practice, Interpretation Guidelines and complaint procedures are available on the website.

The Board will be implementing a new case management system early next year. This will allow us to explore electronic filing, redact orders so that they can be posted on the Internet while protecting individual privacy, and move to a workflow model that ensures a smooth and effective work environment.

French Language Services

The Tribunal/Board provides service in both official languages in accordance with the *French Language Services Act* (the FLSA). All offices in areas designated by the FLSA have bilingual staff available to assist our French-speaking clients. In 2006, the Tribunal adopted a Rule of Practice to set out its policy concerning the provision of French language services. Where a party is entitled to and has requested French language service, the Tribunal/Board attempts to schedule a French-speaking Member to hear the case. Where this is not possible within a reasonable period of time, the Tribunal/Board will schedule the matter before an English-speaking Member and will ensure that an interpreter is present. All correspondence and decisions of the Tribunal/Board are provided in French to a party who has requested and is entitled to French language services.

Budget and Revenues

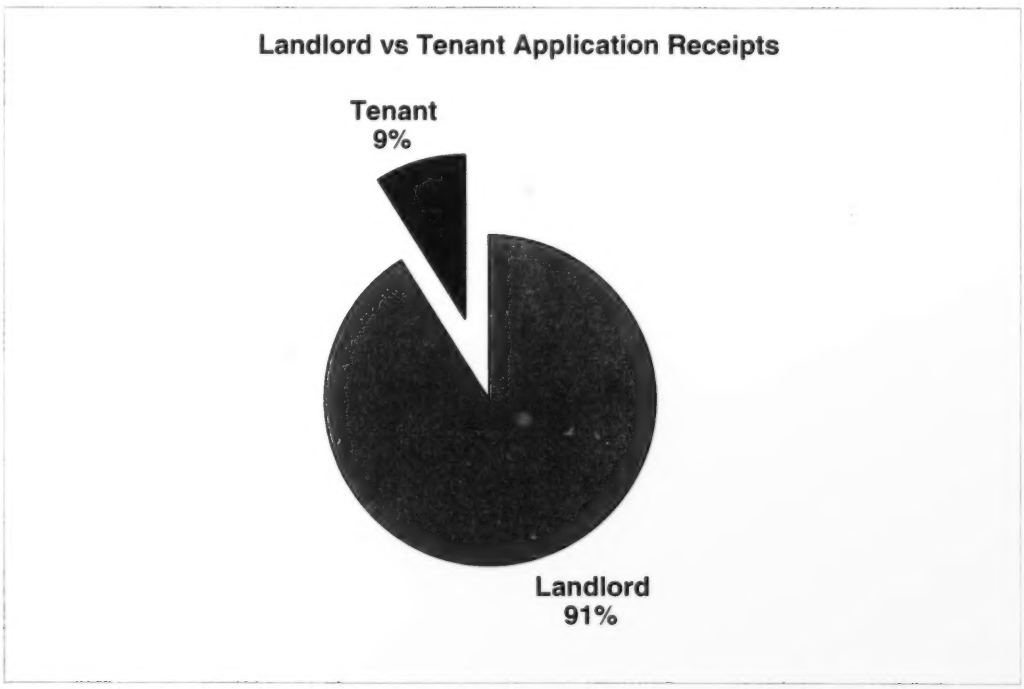
The budget expenditures for the Tribunal/Board for 2006-2007 were $25.7M. Of this, $17.7M was for salaries and wages and the remaining $8M can be attributed to other direct operating expenses. The Tribunal/Board brings in over $10M in revenue.

Statistical Information for Applications filed under the TPA

Application Receipts

From April 1, 2006 to January 30, 2007, the Tribunal received 68,123 TPA applications. From January 31, 2007 to March 31, 2007, the Board received 11,578 applications under the RTA.

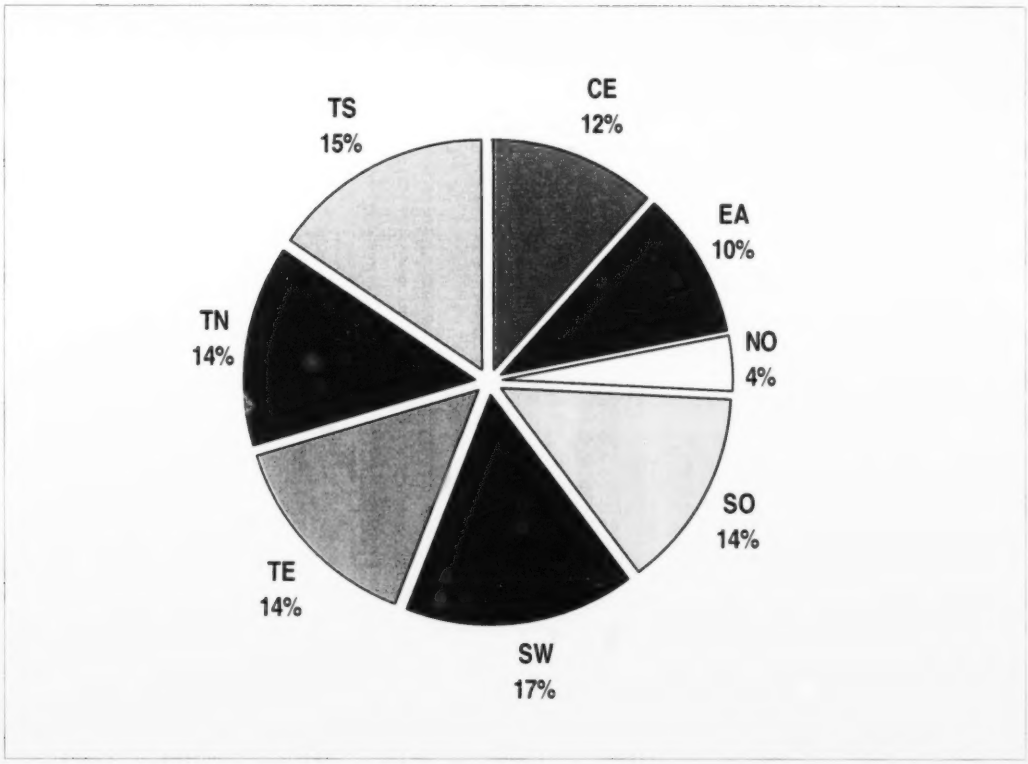
The distribution of application receipts for the 2006-07 fiscal year (including those filed under the RTA) has remained more or less the same from 2001 and are in the following profile:



The regional distribution of applications filed under the TPA is as follows:

(Note: The regional distribution of applications filed under the RTA, based on the data collected up to March 2007, is not significantly different, with no more than a 4% fluctuation per region.)

REGIONAL DISTRIBUTION OF TPA APPLICATIONS



CE refers to Central; **EA** to Eastern; **NO** to Northern; **SO** to Southern; **SW** to Southwest; **TE** to Toronto East; **TN** to Toronto North; and **TS** to Toronto South

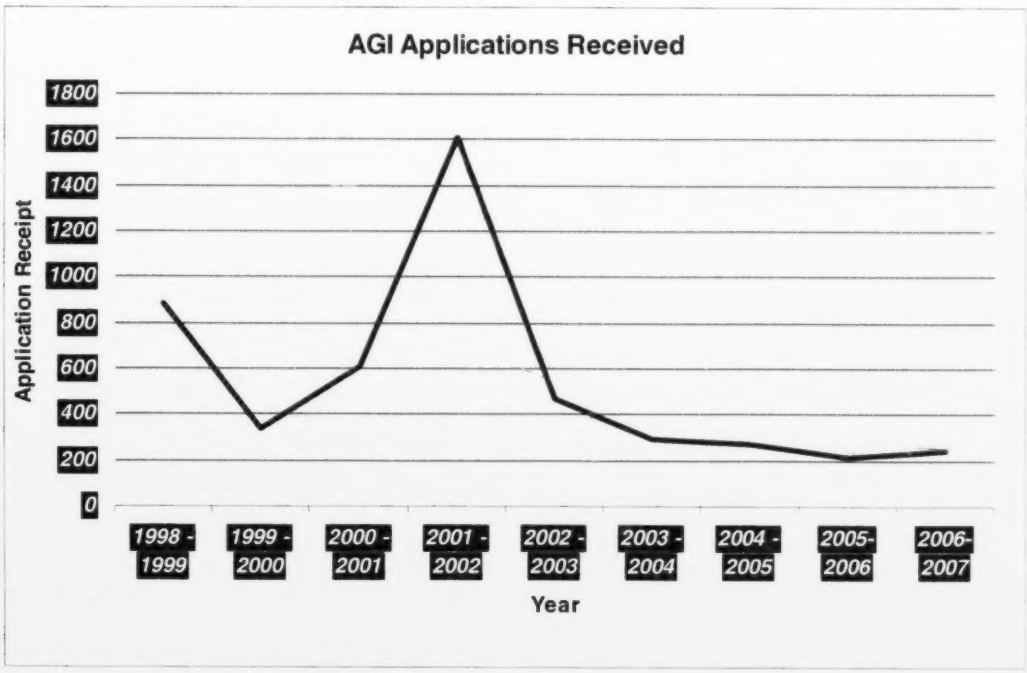
Eviction applications have been the bulk of the Tribunal's workload since the Tribunal began in 1998. This year, the trend has continued. Of the total applications received by the Tribunal, 74.4% were for termination of tenancies because of arrears of rent. Tenant applications accounted for approximately 9% of all applications filed.

Above Guideline Rent Increase Applications

Since 2001 the number of applications for rent increase above the guideline has been decreasing. This year is no exception to that trend, with only 242 applications of this type received by the Tribunal. (Note: from January 31 to March 31, 2007, the Board received 22 applications of this type under the RTA.)

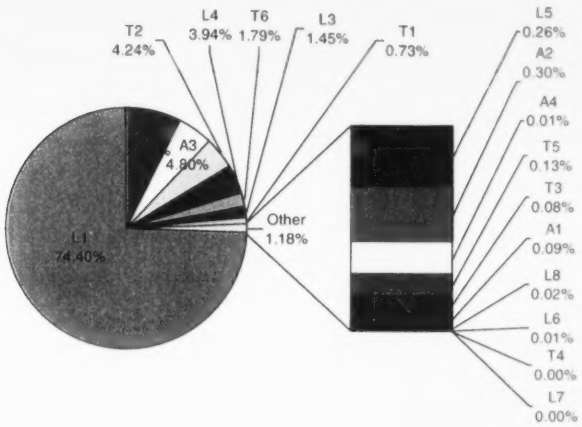
While the number of above guideline rent increase applications make up less than 1% of all applications received, these applications account for 21% of the Tribunal's file preparation and hearing time for staff and Members.

Mediation is helping us with the workload on above guideline rent increase applications, and we continue to look for other ways to increase our efficiency and speed up the resolution process.



Workload for Fiscal 2006/2007
Distribution of TPA Application Receipts

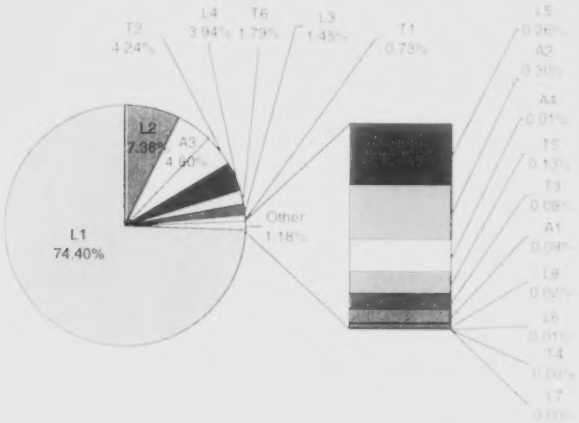
The charts below show the distribution of the Tribunal's TPA workload, by type of application and disposition method (default or hearing), up to January 30, 2007.



Case Type		#Cases	#Defaults	#Hearings
L1	L1 - Term. and Non-Payment of Rent	50,683	24,779	21,661
L2	L2 - Terminate Tenancy & Evict	5,089	661	3,677
A3	A3 - Combined Application	3,268	267	2,669
T2	T2 - Tenant Rights	2,887	0	2,330
L4	L4 - Term. Tenancy: Failed Settlement	2,683	2,186	984
T6	T6 - Maintenance	1,217	1	966
L3	L3 - Term. Tenant. gave Notice	991	657	416
T1	T1 - Rebate	498	27	396
L5	L5 - Rent Increase above Guidelines	242	0	245
A2	A2 - Sublet or Assignment	216	33	167
A4	A4 - Vary Rent Reduction Amount	125	6	87
T5	T5 - Bad faith Notice of Term.	88	0	69
T3	T3 - Rent Reduction	57	0	46
A1	A1 - Determine Whether Act Applies	58	0	52
L8	L8 - Tenant Changed Locks	16	0	12
L6	L6 - Review of Provincial Work Order	5	0	4
L7	L7 - Transfer Tenant to Care Home	0	0	0
T4	T4 - Failed Rent Incr above Guideline	0	0	0
		68,123	**28,617**	**33,781**

Workload for Fiscal 2006/2007
Distribution of TPA Application Receipts

The charts below show the distribution of the Tribunal's TPA workload, by type of application and disposition method (default or hearing), up to January 30, 2007.



Case Type		#Cases	#Defaults	#Hearings
L1	L1 - Term. and Non-Payment of Rent	50,683	24,779	21,661
L2	L2 - Terminate Tenancy & Evict	5,089	661	3,677
A3	A3 - Combined Application	3,268	267	2,669
T2	T2 - Tenant Rights	2,887	0	2,330
L4	L4 - Term. Tenancy: Failed Settlement	2,683	2,186	984
T6	T6 - Maintenance	1,217	1	966
L3	L3 - Term. Tenant. gave Notice	991	657	416
T1	T1 - Rebate	498	27	396
L5	L5 - Rent Increase above Guidelines	242	0	245
A2	A2 - Sublet or Assignment	216	33	167
A4	A4 - Vary Rent Reduction Amount	125	6	87
T5	T5 - Bad faith Notice of Term.	88	0	69
T3	T3 - Rent Reduction	57	0	46
A1	A1 - Determine Whether Act Applies	58	0	52
L8	L8 - Tenant Changed Locks	16	0	12
L6	L6 - Review of Provincial Work Order	5	0	4
L7	L7 - Transfer Tenant to Care Home	0	0	0
T4	T4 - Failed Rent Incr above Guideline	0	0	0
		68,123	**28,617**	**33,781**

Application Resolution

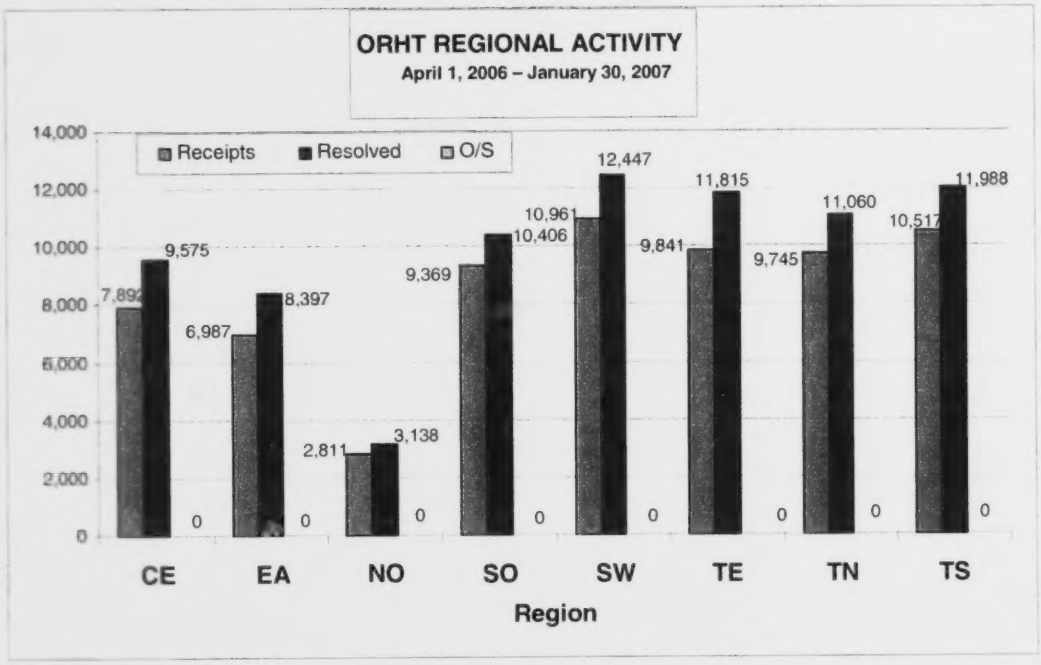
The Tribunal has been successful in resolving applications quickly. On average, the Tribunal maintains only one month's receipts as open files. Most orders are issued within 20 days of filing the application and even more complex orders are issued within 25 days. This year, less than 4,500 TPA applications remained unresolved as of March 31, 2007.

From April 1, 2006 to January 30, 2007, the Tribunal received 68,123 TPA applications and resolved 78,826. (Some applications may generate more than one resolution because of the re-opening, set aside and internal review processes.) From February 1, 2007 to March 31, 2007, an additional 6,036 TPA applications were resolved. Also, from January 31, 2007 to March 31, 2007, the Board received 11,578 applications under the RTA and resolved 6,414.

In total, for the fiscal year 2006-2007, we received 79,701 applications and resolved 91,276 applications.

The following chart indicates that TPA receipts and resolutions from April 1, 2006 to January 30, 2007 remained constant:

TPA APPLICATION RESOLUTION



CE refers to Central; **EA** to Eastern; **NO** to Northern; **SO** to Southern; **SW** to Southwest; **TE** to Toronto East; **TN** to Toronto North; and **TS** to Toronto South

ORDER SUMMARIES

Landlord Application SWL-81146-SA Sections 69 & 86(1), TPA

The landlord applied to evict the tenant for failing to pay the rent. The tenant did not file a dispute on time, so a default order was issued terminating the tenancy. The tenant filed a motion to set-aside the default order.

At the hearing, the parties asked the Tribunal to issue a consent order requiring the tenant to make certain payments by specific dates, failing which the tenancy would terminate automatically (the day after the missed payment was due) and the landlord could apply to the Sheriff for eviction.

The Tribunal refused to issue the consent order as requested by the parties because in the event of a dispute about payment, there would be no opportunity for the tenant to prove that payments were made as required by the order. In addition, this would circumvent the process in section 77 of the TPA that: i) requires the landlord to prove to the Tribunal that the tenant breached the order and, ii) allows a tenant to file a set aside motion.

Although parties are free to reach whatever agreements they wish through mediation, the Tribunal found that if parties wish to have their agreement included in a "consent order', the Tribunal is bound by the provisions in the legislation. Apart from section 77, there is no authority for an order with more than one possible termination date.

Landlord Application TSL-84285 Sections 51 & 69, TPA

The landlord applied for an order evicting the tenant because the landlord required possession of the rental unit for the purpose of residential occupation.

The landlord owned a two-storey, four bedroom family home. The landlord's family lived on the second floor. The tenant occupied the main floor and ran an in-home day care in her unit. The tenant argued that the TPA did not apply to her rental unit, as she occupied the rental unit primarily for business purposes.

In making a decision, the Tribunal considered the exemption in subsection 3(j) of the TPA which provides that the TPA does not apply to a rental unit occupied for business or agricultural purposes with living accommodation attached, if the occupancy is under a single lease.

The Tribunal found that the exemption in clause 3(j) did not apply to this situation, because the residence and the in-home daycare formed a single unit, there was no separation between them, and the nature of the business itself was indicative of the residential character of the complex.

The Tribunal had jurisdiction to deal with the landlord's application. The Tribunal found that the landlord in good faith required possession of the rental unit for personal occupation by his family. An order was issued terminating the tenancy and evicting the tenant.

Landlord Application SWL-81881-VO Sections 72(6), TPA

The Tribunal issued an order terminating the tenancy and evicting the tenant because she failed to pay the rent. The tenant filed a motion to void the order because before the order became enforceable, the tenant paid the amount required to void the order under subsection 72(4) of the TPA.

The tenant filed an affidavit setting out the payments that she had made to the landlord and copies of her rent receipts as proof of those payments. The tenant pointed out that on the June 29th receipt, the landlord indicated that the balance owing was $86.00. The next

receipt, dated July 6th, indicated that the tenant had paid the outstanding amount of $86.00

In order to void the order, the tenant had to pay $1761 before July 7, 2006. When all the tenant's receipts were added together, it appeared that the tenant only paid $1711. The tenant was $50 short.

The Tribunal found that the landlord's representation to the tenant that the amount owing was $86 as of June 29th, caused the tenant to only pay $86 and resulted in the $50 shortfall. Although the tenant did not pay the full amount owing, the Tribunal found that under the principles of equity it would be unfair to let the landlord go back on the representation he made on the receipt. An order was issued voiding the eviction order.

Tenant Application NOT-02386 Sections 32(1)5, 32(1)6 & 35, TPA

The tenant applied for an order determining that the landlord substantially interfered with the tenant's reasonable enjoyment and deliberately interfered with the supply of a vital service because the city shut off her water for two hours.

According to the landlord, the tenant signed an application to rent the apartment that included the terms "+ gas, hydro and water" after the "monthly rent". The landlord claimed to have explained to the tenant that the gas and hydro had to be transferred into the tenant's own name, but there was no need to change the water account because the city sends the bills directly to the "occupant" of the rental unit.

The tenant claimed that she was unaware that her tenancy agreement provided that she was responsible for paying the city for the cost of water, nor could she recall a discussion with the landlord about water costs.

Based on the documentary evidence and the landlord's historical pattern of renting out the units with utilities paid separately, the Tribunal preferred the testimony of the landlord. The Tribunal found that the tenancy agreement required the tenant to pay the gas, water and hydro costs directly to the utility companies; the tenant's failure to pay the water bill caused the city to shut off the water service; and the landlord could not be blamed for the tenant's inconvenience.

Landlord Application SOL-46391 Sections 64, 69, 86(1), TPA

The landlord applied to evict the tenants of a site in a mobile home park because the tenants failed to pay the rent and substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the landlord.

The application for arrears of rent was based on a notice of termination for failing to pay rent and membership fees. The Tribunal found that "membership fees" do not meet the definition of rent as set out in the *Tenant Protection Act* (the TPA) and therefore, the notice of termination for non-payment of rent was invalid.

There were two issues at the heart of the substantial interference application: the tenants' failure to pay for property taxes and the tenants' failure to pay water testing charges.

The landlord claimed that the tenants were responsible for paying the property taxes on both the land and the tenants' structure. The Tribunal, however, found that the land portion of the taxes was included in the tenants' rent and that the tenants were *only* responsible for paying the property taxes for the assessed value of the structure in which they live. The tenants failed to pay even the lesser amount and the Tribunal found that this constituted interference with an interest of the landlord. The landlord was asked to reassess the tenants' property taxes in accordance with the order and inform the tenants of the correct amount owing.

Although the water testing charges claimed by the landlord were reasonable, the Tribunal found that the landlord's formula for apportioning 80% of the charges to the *permanent* residents and only 20% of the charges to the corporation was unreasonable. Given the number of seasonal occupants and weekend visitors, as well as the extensive commercial operations, the Tribunal found that it was likely that the permanent residents would consume no more than 50% of the water. Based on a 50% consumption rate, the permanent residents should be charged no more than 50% of the cost for water testing. Since the water testing costs apportioned to the tenants were not reasonable, the Tribunal found that the tenants' failure to pay those costs did not amount to substantial interference.

Landlord Application TEL-62456 Sections 51, 69 & 86(1) TPA

The landlord applied to evict the tenants because the landlord required possession of the rental unit and because the tenants did not pay the rent.

The landlord gave the tenants a notice increasing the tenants' rent by 2.5% effective January 1, 2005. The tenants, however, refused to pay the increase because it exceeded the annual guideline amount of 1.5%. The Tribunal found that the notice of rent increase was defective because it increased the rent by more than the guideline amount and therefore, the landlord could not collect the increase. The Tribunal found that the tenants were not in arrears of rent.

The landlord also gave the tenants a notice of termination for personal use but failed to specify who would be moving into the unit. In response to the notice, the tenants wrote a letter to the landlord's lawyer pointing out that the notice was incomplete and asking for clarification as to who would be moving into the rental unit. The agent failed to respond to the tenants' letter. It wasn't until the day of the hearing that the landlord clarified that the other part owner of the property would be moving into the unit with her daughters.

The Tribunal found that the notice of termination was defective because it did not identify both landlords and did not specify the identity of the persons who intended to occupy the rental unit.

Tenant Application SOT-05733 Sections 32(1)6 & 35, TPA

The tenant applied for an order determining that the landlord substantially interfered with the tenant's reasonable enjoyment by charging her more for parking than other tenants in building. The tenant alleged that the landlord was discriminating against her because she was on social assistance.

Out of 120 units in the building, approximately ten parties paid a lower parking rate than the tenant. The tenant paid the same parking rate since the start of her tenancy eleven years ago.

Since the landlord established that numerous other tenants paid the same parking rate, the Tribunal was not convinced that the landlord was engaging in discrimination against the tenant. The Tribunal found that the landlord did not interfere with the tenant's reasonable enjoyment by charging her more for parking than some other tenants, nor did the landlord discriminate against the tenant because she receives social assistance.

Landlord Application TEL-61885 Sections 62 & 69, TPA

The landlord applied for an order evicting the tenant because the tenant committed an illegal act involving drug trafficking.

The landlord provided evidence to show that the tenant had pleaded guilty to two offences: possession of hashish and possession of hashish for the purpose of trafficking. The landlord also provided evidence of complaints from other residents in the complex

about the number of people who visited the tenant's unit, and the fact that these people did not live in the complex. The other residents in the complex expressed concern for their children's safety.

The tenant admitted selling drugs in the complex but asked for relief from eviction. The tenant lived in the residential complex for 17 years and suffered from many illnesses. The tenant's representative argued that the tenant's offence was a one-time occurrence and the tenant had been punished for her illegal act by the courts. The representative also suggested that the tenant would not re-offend.

The Tribunal found that the tenant committed an illegal act at the residential complex.

The Tribunal refused to grant the tenant relief from eviction because the landlord and the Tribunal have the duty to protect the other residents in the complex. The Tribunal did, however, delay the eviction date to give the tenant an opportunity to find alternate living accommodation.

Landlord Application TEL-64464 Section 80 TPA

The landlord applied for an order to evict the superintendents because their employment had ended.

The landlord terminated the superintendents' employment and informed them that they could remain in the unit for one week after the termination date free of charge, as stipulated by the TPA. The superintendents asked the landlord to allow them to live in the unit for several additional weeks in order to give them sufficient time to find alternate accommodation.

The landlord agreed to allow the superintendents to stay an extra few weeks on compassionate grounds. The landlord accepted "compensation" for these additional weeks but refused the superintendents' later request to become tenants of the rental unit.

The superintendents claimed that by accepting payments for the additional weeks, a new tenancy was created.

In reaching a decision, the Tribunal considered section 45 of the TPA which allows a landlord to collect compensation for the use and occupation of a rental unit by a person who is an unauthorized occupant, or a tenant who does not vacate the unit after the tenancy has been terminated by notice, order or agreement.

The Tribunal determined that although section 45 does not specifically apply to the facts of this case, since the tenancy was not terminated by order, notice or agreement, it does recognize that there are situations where the payment of rent does not create a tenancy. The Tribunal found that the balance of the evidence rebuts any presumption that a new tenancy was created by virtue of the landlord's acceptance of two payments. An order was issued terminating the tenancy and evicting the superintendents.

Landlord Application **TNL-79397-SA** **Sections 69 & 86(1), TPA**

The landlord applied to evict the tenants for non-payment of rent. The tenants did not file a dispute on time and as a result, a default order was issued terminating the tenancy.

The tenants filed a motion to set-aside the default order, claiming that they were unable to participate because they received the notice of hearing late and as a result did not have five days to file a dispute.

Although the legislation provides that when a document is mailed, it is deemed to be received five days after mailing, the Tribunal found that the deeming can be disputed

where there is evidence that the documents were received later. The Tribunal found that the intent of the legislation is to allow tenants five days to prepare and file a dispute. In situations where there is evidence that the tenants intended to dispute the application but they had less than five days, the tenants should be allowed to have a hearing. The set aside motion was granted and the default order was set-aside.

The landlord's application was heard on its merits. The Tribunal found that the tenants failed to pay the rent they owed. An order was issued terminating the tenancy and evicting the tenants.

Tenant Application **TST-08544-RV** **Section 21.2, SPPA**

The tenant applied for an order determining that the landlord gave a notice of termination for purchaser's personal use in bad faith.

The Tribunal issued an order finding that the landlord had given the tenant notice in bad faith on behalf of the purchaser. The landlord filed a request for review of this order. The landlord claimed the Tribunal erred in finding that the landlord served a bad faith notice on the tenants when there is no requirement in the TPA that a landlord must ensure that the purchaser's intentions are bona fide when giving a notice for purchaser's own use.

Upon review, the Tribunal found that the landlord is not required to ensure that a notice given on behalf of a purchaser is given in good faith. The appropriate test is whether the person requiring possession has a real and genuine desire to occupy the unit. If the purchaser acts in bad faith or fails to occupy the rental unit within a reasonable time, the tenant's claim for compensation is against the purchaser.

The Tribunal found that the purchaser falls within the definition of a landlord as a successor in title to the owner by virtue of the purchase and sale agreement. Based on the

evidence, the Tribunal was satisfied that the purchaser had a notice served on his behalf upon the tenants. The landlord's name was removed from the order and the liability and compensation were ordered exclusively against the purchaser.

Tenant Application **TET-00001** **Section 57, RTA**

The tenant applied for an order determining that the landlord gave a notice of termination in bad faith.

The rental unit was one of two units in the basement of a house. The landlord lived on the main floor with his wife and children. The landlord gave the tenant a notice to terminate the tenancy because his wife required the rental unit for personal occupation. After the tenant moved out of the rental unit, the tenant discovered that the unit had been rented out.

The landlord explained that when he gave the notice, he and his wife were experiencing marital problems, and in order to comply with a separation agreement and requirements of the children's aid society, his wife needed to move into a separate rental unit. After the tenant moved out, however, circumstances changed. The landlord's wife agreed to accept treatment for a medical disorder and as a result, the wife was no longer required to move into a separate unit.

The Board found that it was the landlord's genuine intent that his wife would move into the rental unit. The fact that the landlord has since rented the unit does not indicate that the notice was given in bad faith at the time it was served. In addition, the fact that the landlord allowed the tenant to reside in the rental unit past the date set out in the notice supported a conclusion the landlord intended no ill will. The Board concluded that the notice was not given in bad faith.

Tenant Application SOL-00078 Sections 29(1)(6) & 31, RTA

The tenant applied for an order determining that the superintendent had entered the rental unit illegally.

The superintendent, who was new to the building, unlocked the door of the tenant's rental unit to place a parcel inside. The parcel arrived while the superintendent was removing snow. When no one was home to take delivery of the parcel, the postal delivery person was going to take the parcel back to the office to have the tenant retrieve it at a later date. When the superintendent realized this, he opened the door of the rental unit, placed the package inside and relocked the unit. The superintendent believed that he was being helpful, saving the tenant the time of retrieving the parcel later.

When he opened the door, the superintendent set off a silent alarm in the tenant's unit. Both the tenant and the police responded to the alarm. The tenant, a protected refugee, testified that he had endured unpleasant events in his life and that the incident sparked memories of things he had been trying to forget and this made him feel insecure. As a result, the tenant requested that the Board terminate the tenancy.

The Board determined that although the superintendent did enter the unit illegally, the superintendent's actions, under normal circumstances, would not justify termination of the tenancy. However, considering the personal circumstances of the tenant, termination was justified in this case. The Board also determined that it was not appropriate to fine the landlord because there was no intent to injure, nor was it appropriate to require the landlord to pay for the moving truck rental because the landlord was not responsible for the events in the tenant's life. The Board ordered that the tenancy be terminated.

Landlord Application TEL-00091 Section 64 & 69 RTA

The landlord applied for an order evicting the tenant for substantially interfering with the reasonable enjoyment of other tenants in the residential complex. Specifically, the landlord received complaints from other tenants about excessive noise coming from the rental unit.

At the hearing, the tenant testified that she was willing to take measures to reduce the volume of noise. The tenant's 16 year-old daughter used a wheel chair and as a result, it would be difficult for the tenant to find appropriate accommodation.

Based on the testimony of the building superintendent, letters from the upstairs tenant and the fact that the police attended the unit in response to noise complaints, the Board was satisfied that the tenant or another occupant of the rental unit substantially interfered with the reasonable enjoyment of other tenants in the complex by making excessive noise. The Board granted the tenant relief from eviction because of the tenant's commitment to reducing the level of noise and the difficulty the tenant may have in finding suitable alternative accommodation.

The Board ordered that, for the next six months, the tenant must ensure that there is no excessive noise; where the landlord receives a complaint, the landlord shall make the tenant or other occupants of rental unit aware of the concern; and the tenant or occupant shall immediately take steps to reduce the noise level to a reasonable level. If the tenant breached the conditions in the order, the landlord would be able to apply to the Board under section 78 for an ex parte order terminating the tenancy.

Tenant Application **SOT-00022** **Sections 29(1)3 & 31, RTA**

The tenant applied for an order determining that the landlord had substantially interfered with the reasonable enjoyment of the rental unit by the tenant or a member of the tenant's household.

The tenant recently became engaged to be married. The tenant intended to live in the rental unit with his wife, although he did not intend to have his wife added to the tenancy agreement as a tenant. The tenancy agreement provided that the fiancée was required to complete an "application for permission to reside." The fiancée completed and submitted the application but it was rejected because of a poor credit history. The landlord informed the tenant that if his wife moved in, the landlord would apply to terminate the tenancy.

At the hearing, the tenant asked the Board to find that the landlord had unlawfully refused to allow his fiancée to move into the rental unit and unlawfully threatened to evict him. The tenant also asked for an order that the landlord stop the activity which prevents his new wife from moving into the rental unit.

The landlord argued that because there are new provisions in the RTA that allow a tenant's spouse to automatically become a tenant in the event that the tenant dies or abandons the rental unit, the tenant's wife was a "prospective tenant". The landlord therefore had the right to refuse the tenant's wife because she did not meet his selection criteria for prospective tenants.

The Board disagreed with the landlord's position. The Board noted that the legislation does not allow landlords to screen *future* prospective tenants, since contrary to the position of the landlord, a future potential tenant is not a "prospective tenant". The Board found that a prospective tenant is someone who is applying to be a tenant, not someone who may, in the future, have the right to become a tenant if certain things happen.

The Board found that the landlord's actions had the effect of substantially interfering with the tenant's reasonable enjoyment of the rental unit, as reasonable enjoyment is the contractual right to have full use of the rental unit for all usual purposes and the tenant was not acting unlawfully. The landlord was ordered to refrain from refusing to allow the tenant's fiancée to move into the rental unit and from threatening eviction.

BIOGRAPHIES

CHAIR

Dr. Lilian Ma, B.Sc., Ph.D., LL.B.

Dr. Lilian Ma, B.Sc., Ph.D., LL.B., came to the ORHT/LTB in 2005 from the Refugee Protection Division of the Immigration and Refugee Board of Canada where she was a Member since 1994. Her 18-year public sector career includes experience in various sectors: member of the Liquor Licence Board of Ontario; Chief of the Public Education Division of the Race Relations Directorate of Multiculturalism Canada of the Secretary of State from 1988 to 1989; and commissioner for the Ontario Human Rights Commission from 1986 to 1988.

Dr. Ma has earned a law degree from the University of Toronto (1992), a doctorate in chemistry from Simon Fraser University (1971) and a Bachelor of Science degree from the University of Hong Kong (1967).

Dr. Ma is a member of the Canadian Bar Association and sat on its Racial Equality Implementation Committee from 2000 to 2004. She was a founding director and held several board positions on the Chinese Canadian National Council from 1980 to 1994, and was a founding director of the National Organization of the Immigrant and Visible Minority Women of Canada from 1986 to1988. She is also on the Board of Directors on the Council of Canadian Administrative Tribunals and the Society of Ontario Adjudicators and Regulators.

VICE CHAIRS

Elizabeth Beckett

Elizabeth Beckett, a graduate of Osgoode Hall Law School, has spent much of her professional life in the teaching profession. Prior to taking up her position at the ORHT/LTB she was a part-time professor of Law at Sheridan College and for the past ten years has taught Business Law for Canadian General Accountants. Ms. Beckett brings with her experience gained as an adjudicator to the Boards of Inquiry for the Human Rights Commission.

Eli Fellman

Eli Fellman holds an Honours Degree in Political Science from Trent University, pursued graduate studies at Carleton University and attained a Bachelor of Laws Degree (LL.B.) at the University of Ottawa. Prior to his appointment to the ORHT/LTB as an adjudicator, he was a policy analyst at the federal Department of International Trade in Ottawa. Subsequent to his call to the Ontario bar in 2002, he practiced international trade and customs law in Toronto.

Régent Gagnon

Mr. Gagnon is a graduate of Le Moyne College in Syracuse, N.Y. (B. Sc. Humanities, 1963). He worked in public and private sector organizations in all facets of Human Resources Management until 1985 when he founded his own HR consulting firm. As a recognized expert in HR, Mr. Gagnon was invited to teach HR courses at Carleton and Ryerson Universities. Prior to his appointment to the ORHT/LTB, Mr. Gagnon served as a part-time member of the Assessment Review Board from 1993 to 1999. In addition, he

was a member of the Planning Advisory Committee for Clarence Township and of the Board of Directors of the Ottawa Personnel Association and the Big Sisters of Ottawa-Carleton.

Charles Gascoyne

Charles Gascoyne graduated from the University of Windsor with a Bachelor of Arts degree in 1983 and a Bachelor of Laws degree in 1986. Mr. Gascoyne is a member of the board of directors of the Essex Law Association and a number of other local community groups.

Murray Wm. Graham

Murray Wm. Graham graduated from York University in 1970 with a Bachelor of Arts degree and from Osgoode Hall Law School in 1973 with a Bachelor of Laws degree. After his call to the Bar in 1975, he practised law in the City of Toronto until 1989. From 1990 to 1998, Mr. Graham was a legal and administrative consultant to corporations in the transportation, waste management and environmental research and development industries.

Sean Henry

Sean Henry is a graduate of the University of Toronto (B.A. Honours), York University (M.B.A.) and Queen's University (LL.B). Mr. Henry carried on a criminal and family law practice before becoming an adjudicator with the Social Benefits Tribunal. Mr. Henry then worked as a senior policy analyst with the OMERS Pension Plan and after that as a policy advisor of the Ministry of Municipal Affairs and Housing. Mr. Henry was appointed Vice Chair on December 14, 2006.

Guy Savoie

Guy Savoie has held numerous Senior Management positions within both the Financial and Business sectors for the past 17 years. Since 1990 Guy is also a Professor at Seneca College teaching a diverse business subject portfolio within the undergraduate and post diploma business and marketing programs.

ADJUDICATORS

Joseph A. Berkovits

Joseph A. Berkovits graduated from York University with an Honours B.A. majoring in History and English, and an M.A. and a Ph.D. in History from the University of Toronto. He received a law degree from the University of Toronto, articled at the Ontario Ministry of the Attorney General and in 2004 was called to the Bar of Ontario.

Louis Bourgon

Louis Bourgon graduated from the University of Ottawa with a Bachelor of Arts (B.A. 1992) and a Bachelor of Laws (LL.B. 1995). He was called to the Ontario bar in 1998. Mr. Bourgon also holds a certificate in Alterative Dispute Resolution from the University of Windsor Faculty of Law.

Before his appointment to the ORHT/LTB, he worked for seven years as legal counsel in the Law Society of Upper Canada's Professional Regulation Division. He also previously served as legal counsel to the Children's Aid Society of Ottawa.

Mr. Bourgon has been an invited speaker at law schools and legal conferences on matters of professional responsibility and discipline.

Elizabeth Brown

Elizabeth Brown is an Honours graduate of Humber College in Business Administration. Ms. Brown was a small business owner for a number of years before being elected first to City of Etobicoke Council in 1991 where she served two terms, and then to City of Toronto Council in 1998.

Enza Buffa

Vicenzina Buffa of Toronto served as a Customer Relationship Management Reporting Analyst in the private sector for a world-class call center whose client is primarily Ford Motor Company. Ms. Buffa was dedicated to this company for six years where she used her communication and conflict resolution skills on a daily basis with many internal and external clients. She is a certified internal ISO auditor and has also held various positions during her term, such as Workforce Planning and Management and Payroll Administrator.

Kim Bugby

Kim Bugby graduated from the University of Western Ontario with a Bachelor of Arts Degree in Psychology as well as from Loyalist College with a Diploma in Developmental Services. Ms. Bugby has extensive experience in community and social services for children, youth and adults including social assistance, housing, education and rehabilitative case management. Most recently, Ms. Bugby was employed as a

Community Support Coordinator providing services to persons diagnosed with a serious mental illness.

William Burke

William Burke was employed for 17 plus years in the municipal sector before joining the ORHT/LTB. Mr. Burke was involved in aspects of Municipal Standards, Building Inspections and Law Enforcement during those years. He continues to be a member of the Ontario Association of Property Standards Officers. He served on the Board of Directors of that Association from 2003 –2006, which post he resigned shortly after joining the ORHT/LTB.

Ruth Carey

Ruth Carey holds a Bachelor of Laws (LL.B.) degree from the University of Ottawa, as well as a Bachelor of Arts in Women's Studies and a Bachelor of Science in Forestry (B.Sc.F) from the University of Toronto. She was called to the Bar of Ontario in 1993. From 1996 to 2006 she was the Executive Director of the HIV & AIDS Legal Clinic (Ontario). In the past, she has been a member of the Boards of Directors of a number of community based or charitable organizations including the Northumberland Social Planning Council, Pro Bono Law Ontario, and the Canadian HIV/AIDS Legal Network.

Vincent Ching

Vincent Ching joined the ORHT/LTB after serving for four years as a member of the Social Benefits Tribunal. Prior to that, he held senior positions with the provincial and municipal government for nearly thirty years. He graduated from the University of Toronto with a Masters in Social Work and more recently with a Masters in Theological Studies. He had in-depth knowledge of the voluntary sector and has extensive volunteer

experience in the community, including serving as a board member of the Ontario Trillium Foundation and Agincourt Community Services Association.

Brian Cormier

Brian Cormier has diverse management background attained through a 30-year career at Bell Canada. His last position at Bell was Human Resources Generalist for Ontario Provincial District. His responsibilities included employee development, employee performance review boards, industrial relations support, disability management, and health and safety. Mr. Cormier has studied at Laurentian University, Queen's University Leadership Development, MICA Leadership Effectiveness, and the Bell Institute for Professional Development. Mr. Cormier has been an active community volunteer for over 25 years.

Susan Ellacott

Susan Ellacott is a resident of the Ottawa region and served in the departments of International Trade, Consumer and Corporate Affairs, Natural Resources, and the Prime Minister's Office. In addition, she completed the Executive Leadership Course at the Canadian Centre for Management Development, received the Canada 125 Award for contributing to the community, and the federal public service Distinctive Service Award in recognition of support to the science and technology community. Ms. Ellacott graduated from Brookfield High School and received her diploma in Business Administration from Algonquin College.

Nancy Fahlgren

Nancy Fahlgren comes to the ORHT/LTB with over 10 years experience in administering rental housing legislation. Professional highlights include: serving as acting chief rent officer under Rent Control Programs, adjudicating issues governed by previous housing legislation, and mediating landlord and tenant rental matters. Ms. Fahlgren studied science and languages at Nipissing University and the University of Toronto.

Cathryn Forbes

Cathryn Forbes has an extensive adjudication background with the Immigration and Refugee Board and the Ontario Board of Parole. She has received vast specialized training in adjudication and tribunal practices and has a management history within the criminal justice system. Cathryn has volunteered actively in her community with various Boards and organizations and is a graduate of Sheridan and Mohawk Colleges.

Suzy Franklyn

(Part-time; Resigned August 21, 2006)

Ms. Franklyn graduated from Cambrian College of Applied Arts and Technology, Law Clerk program in 1991. Ms. Franklyn has been in private practice, specializing in Real Property Law and Conveyancing since 1991. Suzy recently served as Property Administrator with the City of Greater Sudbury and has held various administrative positions in the past.

Ms. Franklyn graduated from York/Laurentian University's Alternative Dispute Resolution program in 1998, with a specialization in Family Mediation. As an accredited mediator and a recognized expert in the field of A.D.R., Suzy has achieved accreditation

status from both the Ontario Association of Family Mediation and Family Mediation Canada.

Pearl Gréwal

(Part-time)

For the past 31 years, Pearl Grewal has held various roles of increasing and wide ranging responsibility in the Province's various residential tenancies regulatory schemes. From1998 to 2007, she was a Mediator with the ORHT/LTB. From 1992 to 1998 as a Rent Officer, she adjudicated disputes under the Rent Control Act. From 1987 to 1992, as a Rent Review Administrator, she adjudicated disputes under the *Residential Rent Regulation Act*. These roles have given her in-depth knowledge of residential tenancy law as well as extensive practical experience with quasi-judicial dispute resolution.

Dan Helsberg

(Part-time to Full-time)

Henry Daniel Helsberg, of Lively, is a self-employed financial consultant. Prior to this, Mr. Helsberg was a real estate salesperson for seven years, selling residential and commercial properties in the Sudbury area. Mr. Helsberg has a Master of Arts, Economics from the University of Guelph and has completed Ph.D. course work in Urban and Regional Planning at the University of Waterloo.

Brenna Homeniuk

Brenna Homeniuk is a graduate of the University of Waterloo (B.Sc., 1992; BA., 1996; M.A (Psychology 1998) and the University of Western Ontario (LL.B., 2001).

Ms. Homeniuk was called to the Bar in 2002. Before her appointment to the ORHT/LTB, Ms. Homeniuk practised in the areas of Criminal Law, Family Law, Social Assistance and Landlord-Tenant Law in Southwestern Ontario.

Elki Homsi

Elke Homsi is an experienced adjudicator, who served as a member of the Immigration & Refugee Board for over 11 years before being appointed to the ORHT/LTB. Elke was educated in Germany and immigrated to Canada in 1968.

Judy Ireland

(Part-time)

Judy Ireland attended the University of Toronto obtaining a Bachelor of Arts (B.A. Hons.) in History in 1964 and a Master of Arts in Education in 1973. Judy was a Vice-Chair of the Social Assistance Review Board from 1992-1998 and a member of the Immigration and Refugee Board of Canada from 1998 to 2006. She has been a volunteer for many years in community organizations.

Linda Joss

(Part-time)

Linda Joss commenced her career in the pioneer days of child care work, graduating from Thistletown Hospital in 1961. Mrs. Joss spent ten years in the child care field, supervising programmes for emotionally disturbed children, and working for the Children's Aid Society. After this she joined Metro Toronto's Community Service Department as a manager of hostels. During twenty five years with Community Services, Mrs. Joss managed and developed programs in Metro's four major hostels, including the

opening of two new large facilities. During this time Mrs. Joss was a long term member and chair of the Centennial College Social Service Worker Advisory Board and an Advisory Board member participating in the creation of a new management course for social service staff at George Brown College. Mrs. Joss' experience in emergency housing has offered her a depth of knowledge of housing issues and the impact of evictions.

Greg Joy

Greg Joy won an Olympic Silver medal in high jump at the 1976 Montreal Olympic Games. That same year he was selected to carry the Canadian flag during the closing ceremonies at the Olympic Games, was chosen as Canada's athlete of the year and received the Governor General's Award. In 1978 he broke the world record with a leap of 2.31 metres and is a recipient of the Queen's Golden Jubilee Medal for his work in his community.

Greg has worked as a sport and fitness consultant for the government of Ontario, a teacher and has coached several national and international champion athletes. Greg spent six years helping to feed the less fortunate of his community as Executive Director of the Ottawa Food Bank and for six years was the principle partner of a successful corporate training company. For 25 years Greg has provided volunteer support to several charities and has been a member of numerous boards.

Greg is a graduate of the University of Toronto and has a post graduate certificate in financial analysis from the University of Western Ontario.

Caroline King

Caroline A. A. King graduated from Glendon College, York University (bilingual stream) with an Honours degree in Canadian Studies and Political Science, then attained her

Bachelor of Laws degree from the University of Western Ontario. Before her appointment to the ORHT/LTB, she practiced law for a number of years, and was active in her local community.

Jessica Kowalski

Jessica Kowalski earned her law degree at Osgoode Hall Law School and was called to the Ontario bar in 1996. She practiced family law before leaving Toronto to work overseas. After working in the US, the Caribbean, Central America and Bermuda, Jessica returned to private practice in Toronto with a focus on civil litigation, including commercial and estates litigation. Prior to her appointment as a Member of the ORHT/LTB, Jessica was a legal Counsel at the Law Society of Upper Canada.

Elizabeth Leighton

(Resigned June 23, 2006)

Elizabeth Leighton graduated from the University of Western Ontario with an Honours degree in English & History, then attained her Master of Library Science and Bachelor of Laws degrees. Before her appointment to the ORHT/LTB, she practiced law for a number of years, and was active in her local community.

Claudette Leslie

Claudette Leslie attended the University of Toronto, obtaining a Bachelor of Arts (B.A.) Degree in English, and received a Diploma in Journalism from Centennial College. Claudette is an experienced Communications and Public Relations professional who has worked in various roles including corporate and marketing communications and as a freelance writer. She has been involved in community volunteer work for more than two decades.

Michelle M. Lomazzo

(Part-time; Resigned September 15, 2006)

Michelle M. Lomazzo obtained her Bachelor of Arts degree from the University of Windsor. Prior to joining the ORHT/LTB, Ms. Lomazzo has owned and operated a Worker's Compensation consulting firm representing injured workers in their appeals before the Appeals Resolution Officer and the Workplace Safety & Insurance Appeals Tribunal. She is active in her local community as a volunteer working with various charity groups.

Olga Luftig

Olga Luftig graduated from the University of Toronto with an Honours B.A. in History and Political Science, and a Bachelor of Education. She attained a Bachelor of Laws at the University of Windsor. Before her appointment to the Board as an adjudicator, Olga practised law both as a private practitioner and as the in-house Properties Lawyer for a corporation.

Wayne MacKinnon

Wayne MacKinnon attended the University of King's College and Dalhousie University in Halifax, Nova Scotia, where he studied in the faculty of Arts and Science (Social Sciences), and then went on to do some graduate work in Boston, Massachusetts USA. Before his appointment to the ORHT/LTB he worked for many years with the Municipality of Ottawa-Carleton and, after that, with the Government of Canada at various levels and in various departments. Mr. MacKinnon was a Member of the Mayor's

Advisory Committee on Race Relations and a voluntary Member of Bell Canada's Consumer Advisory Panel.

Ina Maher

(Part-time)

Ina Maher is a graduate of the University of Hong Kong (B.A. (Hons.), Dip. Ed., M.A.). Ina Maher taught for twelve years before joining the H.K. Civil Service where she served in various departments until she took early retirement to immigrate to Canada in 1990. Here she enrolled in Osgoode Hall Law School, obtaining her LL.B. in 1994. Ina Maher worked for several years in the Ministry of Transportation before retiring again and becoming more involved in volunteer work.

Ieva Martin

Ieva Martin served as Chair of the Board of Referees, the appeal tribunal for the Employment (formerly Unemployment) Insurance Commission, from 1995 to 2004. Prior to that she was a small business owner and a member of the Board of the Clarkson Business Improvement Association. She was the President of the Latvian Canadian Cultural Centre. Ms. Martin obtained a Bachelor of Arts (B.A. Hons.) in French and Canadian Studies from the University of Toronto. She also studied Science at McGill University.

Debra Mattina

Debra Mattina is a graduate of Mohawk College in Hamilton (Business Accounting, 1972 and Medical Radiological Technology, 1985) and worked as a medical radiation

technologist for 20 years. In 2003 Debra was awarded the Queen's Golden Jubilee Medal recognizing her volunteer efforts in her community over her lifetime.

Brian McKee

Brian McKee graduated from Algonquin College, Management major, School of Business, in 1972. He has held senior management positions in the private sector over the past twenty-five years. He also worked as a management consultant to several large corporations and privately owned businesses from 1989 to 2002.

Jim McMaster

Jim McMaster has been an active member of his community for over 20 years including having been on Ajax council for 12 years and holding the positions of Deputy Mayor, Region of Durham Finance Chairman and Budget Chief and Vice Chair of the Toronto and Regions Conservation Authority just to name a few. He owns a transportation consulting business.

Alan Mervin

(Part-time)

Alan Mervin attended York University, obtaining a Bachelor of Arts Degree in Sociology in 1971, and received a Bachelor of Laws (LL.B.) from the University of Windsor in 1974. Mr. Mervin joined the Ontario Legal Aid Plan, now Legal Aid Ontario, where he served as a staff lawyer in a number of capacities. Mr. Mervin left Legal Aid in 1980, to enter the private practice of law with a focus on Criminal Trial Practice.

Beatrice Metzler

(Part-time)

Beatrice Metzler is a graduate of Lakehead University, specializing in Education. She went on to obtain her accreditation in Association Management. Beatrice held the positions of General Manager of the Thunder Bay Chamber of Commerce and then Executive Director of the Thunder Bay area Industrial Training Organization. Following her career in association management, she established her own Project Management business. She has been an active director on several business, professional and community boards, both locally and provincially.

Christina Budweth Mingay

(Part-time)

Christina Budweth Mingay graduated from McMaster University with a Bachelor of Arts and Bachelor of Laws (LL.B.) from Queen's. Ms. Budweth Mingay was in private practice until 1991 with a focus on civil litigation. During the period 1991 to 2001, she practiced law with the Law Society of Upper Canada.

Gerald Naud

Gerald Naud graduated from the University of Ottawa with a degree in civil law. Following graduation he maintained a private practice prior to taking a position with the Government of Canada in the compliance department of Transport Canada. Mr. Naud was also involved in a successful private business for numerous years. Most recently he held the position of Director of Business Development for CCH Canadian Limited, one of Canada's leading publishers.

Lynn Neil

(Part-time)

Lynn Neil is a graduate of Andrews University and the University of Ottawa with degrees in psychology and criminology. She also has diplomas in Advanced Human Resource Management from the University of Toronto, and Alternative Dispute Resolution from the University of Windsor Law School. Ms. Neil had worked for 28 years for the Ontario government, during which time she directed a number of large enforcement programmes in various ministries. Since her retirement she has been engaged part-time in consulting work, specializing in human resource management.

Patrice C. Noé

(Part-time to Full-time)

Patrice C. Noé has been called to the bars of the Provinces of Ontario and Alberta and the State of New York. She served as Solicitor for Hamilton and York and Edmonton, among her vast experience working with Municipalities. She had also been a member of the local property standards committee and the committee of adjustment. She had many community involvements. She was Rule of Law Liaison in Armenia for the American Bar Association and Project Director for IFES in Ukraine.

John Nolan

(Part-time)

John attended McGill University, obtaining a Bachelor of Arts in Economics and Political Science in 1977, and received a Bachelor of Civil Laws (LL.L) from the University of Ottawa in 1981. John returned to the University of Ottawa in 1992 to obtain a Teaching diploma. John has devoted the past 25 years to working with troubled youth until his appointment in December 2006 as a part time member to the ORHT/LTB.

Babatunde Olokun

Babatunde M. Olokun is a graduate of the University of Tuskegee, Alabama (B.Sc.1978), John Marshall Law School, Atlanta, U.S.A (JD. Law 1983) and The Nigerian Law School, (B.L. 1986). He carried on a general law practice in Nigeria from 1986 to 1999 until his appointment to the Nigeria Federal House of Representatives, where he served until 2003. Mr. Olokun was a volunteer Community Legal Worker with the Rexdale Community Legal Clinic until his appointment in 2004 with the ORHT/LTB.

Jean-Paul Pilon

(Part-time)

Jean-Paul Pilon is a lawyer and has practised law in Kitchener, Ontario since 1997. He holds a Bachelor of Arts (Honours) degree in political science and urban studies from Concordia University in Montreal and a law degree from the University of Windsor. From 1998 until his appointment to the ORHT/LTB, Jean-Paul Pilon acted as duty counsel at Tribunal hearings in Kitchener. He previously taught law as an Adjunct Professor at the University of Waterloo School of Optometry. Jean-Paul Pilon is a member of the Canadian Bar Association and the Waterloo Law Association.

Lloyd Phillipps

Lloyd Phillipps is a graduate of Carleton University (B.A in Law) and Loyalist College (Diploma in Paralegal Studies).

Mr. Phillipps career background includes teaching business courses at the Community College level as well as 15 years of public service.

He was employed with the Ontario Ministry of Health, Emergency Health Services Branch, the Ministry of the Attorney General where he was a Provincial Prosecutor and the Ministry of the Environment. While with the Ministry of the Environment, he was the recipient of awards for Innovation and Environmental Protection.

Jana Rozehnal

Jana Rozehnal is a graduate of the Faculty of Law of jan Evangelista Purkyne (now known as Masaryk University) in Brno, Czech Republic, where she earned her Doctorate of Law (JUDr.). Subsequently she graduated from the Faculty of Law of the University of Toronto (LLB.). Prior to her appointment to the ORHT/LTB, Ms. Rozehnal was in private practice with focus on family law.

Egya Sangmuah

Egya Sangmuah is a graduate of the University of Toronto (Ph.D in History), McGill Law School (LL.B.), Osgoode Hall Law School (LL.M.), and the University of Ghana (B.A. Hons.). He was a member of the Immigration Appeal Division of the Immigration and Refugee Board (IRB) from 1999 to 2006 and the Convention Refugee Determination Division of the IRB from 1996 to 1998. Prior to joining the IRB, Mr. Sangmuah was Counsel to the Ontario Ministry of Citizenship, Culture and Recreation, as well as a part-time Member of the Liquor Licence Board of Ontario. He was also a Law Clerk to the justices of the Ontario Court of Appeal.

Freda Shamatutu

Freda Shamatutu holds a Bachelor of Laws degree from the University of Zambia obtained in 1981. She practiced law in Zambia for 20 years before migrating to Canada. Ms. Shamatutu has spent most of her professional career at senior management level working for various organizations, including as Chief Legal Advisor and Legal Counsel

for the Zambian national airline, as Board Secretary and Director Support Services for Zambia Revenue Authority and as Executive Director for the Advanced Legal Training Institute in Zambia (the Institute trains law graduates in bar admission courses and also provides lawyers with continuing legal education). Before her appointment as an adjudicator with the ORHT/LTB, Ms. Shamatutu was employed as Office Manager for a law firm in Toronto.

Andi Shi

Andi Shi has a very diverse range of professional experience. He has taught at universities, and worked as a researcher in community policing, a business manager, the executive director of a non-profit organization and a multidisciplinary consultant. He has been on the boards of a number of charitable/non-profit organizations as well. Prior to his appointment to the ORHT/LTB, he served as a Member of the Council of the College of Opticians of Ontario. Mr. Shi pursued studies in the School of Human Justice at University of Regina and holds a Bachelor of Science degree from Eastern China Normal University and a Master of Science degree from the University of Regina.

Yasmeen Siddiqui

Yasmeen Siddiqui is an experienced adjudicator having served on the Immigration and Refugee Board from 1996 to 2006 as a Member, Co-ordinating Member and Acting Assistant Deputy Chair. She is a Member of the International Refugee Law Judges Association and a Member of UNHCR's International Roster of Refugee Status Determination Professionals.

Prior to coming to the ORHT/LTB, Yasmeen was an anti-bias education trainer and consultant. She has a Bachelor of Arts degree from India and has studied mediation and negotiation at the University of Toronto.

Michael G. Soo

(Part-time)

Michael G. Soo is a graduate of the University of Victoria, obtaining a Bachelor of Arts (B.A.) in History in 1996, and received a Bachelor of Laws (LL.B.) from the University of Western Ontario in 2000. Michael has practiced law in Kitchener since 2002, with a focus on criminal, family and civil litigation. Michael is also a part-time instructor in law-related continuing education courses at Fanshawe College in London, as well as at Conestoga College in Kitchener.

Nina Stanwick

Nina Stanwick holds a Bachelor of Laws (LL.B.) degree from the University of Windsor, as well as a Bachelor of Arts (Honours) degree in Mathematics from the University of Guelph and a Bachelor of Education degree from the University of Toronto. She was called to the Ontario Bar in 1982. From 1984 to 1986, she was a Commissioner with the Residential Tenancies Commission; from 1987 to 1994, she was a Member of the Rent Review Hearings Board; from 1994 to 1996, she was a Rent Officer under the Rent Control Program; and from 1997 until her appointment to the ORHT/LTB, she was a Member of the Immigration and Refugee Board

Valarie Steele

Valarie Steele worked for several years in the financial (stockbrokerage) industry, specializing in the syndication of new issues. An experienced Human Resources consultant, she owned and operated a placement agency that supplied staff for the office environment primarily in the financial sector. Ms. Steele has volunteered extensively in the community for over three decades where she has been involved in a number of

projects that benefited the community. She is past president of the Jamaican Canadian Association and Chairperson of the Community Police Liaison Committee at Division 13.

Najibullah Tahiri

(Resigned November 6, 2006)

For over 20 years, Najib Tahiri has been involved in the community and social justice issues affecting new Canadians. In the 1980s, he served as the President of the Afghan Association of Ontario, a non-profit organization responding to the needs and aspirations of Afghan-Canadians in Ontario. Between 1992 and 2003, he served as a Member of the Immigration and Refugee Board, the largest Canadian tribunal making decisions on immigration and refugee matters. Mr. Tahiri was a volunteer member at various community-based organizations including the North York Cross-Cultural Committee, North York Inter-Agency and Community Council, and Canadian Council for Refugees. He holds a Bachelor of Science degree in Mechanical Engineering from Kabul University in Afghanistan.

Gerald Taylor

Gerald Taylor has many years of administrative background, having worked in banking, automotive and information technology industries. During his career Mr. Taylor held positions of significant responsibility and decision making. He also dedicated considerable time to community activities such as Junior Achievement, United Way, Local and Ontario Chambers of Commerce and Durham Enterprise Centre for small business.

Christopher Trueman

Christopher Trueman has been actively involved in both the public and private sectors. In 1994, Mr. Trueman was elected to serve as a school board trustee with the Haliburton County Board of Education. Mr. Trueman spent many years in the private sector as the owner of an equipment leasing company. In 2001, after completing studies through the University of Waterloo and Osgoode Hall Law School, he established a private practice in the field of Alternative Dispute Resolution. He is a former member of the ADR Institute of Ontario and the Association for Conflict Resolution in Washington D.C.

Jeanie Theoharis

Jeanie Theoharis graduated from the University of Toronto having attained a Bachelors of Arts degree, in commerce, economics and actuarial science, in 1993. She studied law at State University of New York and University of Toronto where she received a Juris Doctorate in Law (J.D. 1996) and Bachelor of Laws degree (LL.B. 1997). She is called to the bars of New York and Ontario. Before her appointment to the ORHT/LTB she practiced commercial litigation, construction lien law and commercial real estate at a firm in downtown Toronto.

Elizabeth Usprich

Elizabeth Usprich attended the University of Western Ontario and earned degrees in Psychology (B.A.) and Law (LL.B.). In addition to practicing as a lawyer, Ms. Usprich has also taught law at the College level. She was actively involved in the London community and has sat on several Boards of Directors.

Jonelle van Delft

Jonelle Van Delft graduated from Queen's University with an Honours degree in History, a Special Field Concentration in Women's Studies and a Bachelor of Laws degree. Before her appointment to the ORHT/LTB, she practiced Clinic Law under the Ontario Legal Aid Plan.

Rosa Votta

Rosa Votta has worked in various departments of the provincial government, including Health, Citizenship, Culture (Tourism) and Recreation and several branches of the Ministry of Labour, namely the Health and Safety Branch and most recently the Employment Standards Branch, as an Employment Standards Officer, administering and enforcing the *Employment Standards Act*.

Brad Wallace

Brad J. Wallace is a graduate of the University of Western Ontario (B.A. (Hons.) Politics, 1996) and the University of Windsor (LL.B, 2001). Before his appointment to the ORHT/LTB, Mr. Wallace practised primarily in the areas of insurance defence, plaintiff personal injury, social assistance and landlord-tenant law. Brad Wallace is a former member of the Board of Directors of the London and Area Food Bank, and a past member of the Board for the London Training Centre.

Karen Wallace

Karen Wallace graduated from Osgoode Hall Law School with a Bachelor of Laws degree in 1991. She articled with the Ministry of the Attorney General. After her call to

the Ontario Bar in 1994, Ms. Wallace had her own family law practice in Toronto. From 1998 to 2006 Karen Wallace was employed by Legal Aid Ontario.

William Weissglas

(Part-time)

William Weissglas graduated from Sir George Williams (Concordia) University with a BA. Degree Honours in Psychology and from Osgoode Hall Law School with a Bachelor of Laws degree. After his call to the Bar in 1975, he practiced law in the City of Toronto until 2000. In 2000 Mr. Weissglas earned a Master of Laws Degree in Alternate Dispute Resolution and in 2002 he was designated a Charter Mediator by the ADR Institute of Canada. Mr.Weissglas has held the position of Senior Legal Counsel to the Real Estate Council of Ontario. He is currently CEO of a mediation firm and is a part–time professor at Seneca College. Mr. Weissglas has also served as Chair of the City of Toronto Licensing Tribunal and is an instructor in the Law Society of Upper Canada's Skills & Professional Responsibility Program.

Mike Welsh

(Part-time to Full-time)

Graduate of the University of Waterloo in Environmental Studies, (B.E.S.) 1980. Operations Manager, FedEx Logistics, at the John Deere Welland Works, Welland Ontario, 1995-2004. Currently transportation consultant and planner. Former Vice Chair, Niagara on the Lake Committee Of Adjustment, 1997-2004. Former Member of Niagara on the Lake Irrigation Committee, 1994-1997. Former Member of Niagara on the Lake Fence Arbitration Committee, 1991-1994. Former Member, Niagara on the Lake Traffic and Parking Committee, 1988-1990.

Karol Wronecki

(Part-time)

Dr. Karol Wronecki has degrees in law and public administration from universities in Poland and Canada. After teaching constitutional law at the University of Wroclaw and at York University in Ontario, he joined the Ontario government in 1982. For 24 years he worked in the administrative justice system as an adjudicator and a civil servant. He adjudicated in and managed programs dealing with rent control and landlord and tenant legislation. Until December 2006 when he retired, Mr. Wronecki was the manager of Central Region of the ORHT/LTB.

Additional copies of this publication are available in both English and French from:

ServiceOntario Publications

(416) 326-5300

1-800-668-9938

ISSN 1918-2007

ISBN 978-1-4249-7517-4

Disponible en français: *Commission de la location immobilière (Anciennement, le Tribunal du logement de l'Ontario) rapport annuel 2006-2007*

© Queen's Printer of Ontario, 2007